

Eviction in Washington State 2021

For Landlords

What's happening:

The current state of eviction law is evolving. There are multiple impacts on the eviction process happening now:

- New legislation from the 2021 legislative session, some of which takes effect immediately, changes the law significantly.
- A new Eviction Resolution Program imposes additional requirements.
- Pending cases in the Washington Supreme Court may impact eviction.
- Eviction moratoria due to COVID-19, both state and federal, have caused major temporary changes.

What this means for you:

Because of these changes, the eviction kit that the law library had for sale is no longer current. Written materials in the library are also no longer current. The law library cannot offer materials to read or purchase until new materials are available, and cannot predict when that might happen.

The library is collecting a list of people who wish to be notified when a new eviction kit is available. If you would like to be added to that list, please call or send an email. Provide your name and your email address and/or phone number. You can call 564.397.2268 or email lawlibrary@clark.wa.gov to be added to the list.

Some examples of the changes:

HB 5160 was signed by the Governor on April 22. While there may be other changes in this law, the major changes include:

- How nonpayment of rent is handled for rent accrued between March 2020 and 6 months following the expiration of the Governor's eviction moratorium.
- Penalties for violation by landlords imposed.
- Rent repayment plan requirements.
- Landlord Mitigation Program and state rental assistance programs attempt to reimburse landlords for lost rent.
- Eviction Resolution Program requires additional steps before eviction.
- Indigent tenants are entitled to an appointed attorney.
- Optional nonpayment notice instructing tenants to pay into court registry or file a sworn statement is eliminated.

HB 1236 was signed by the Governor on May 10, 2021. While there may be other changes in this law, the major changes include:

- “Just cause” for eviction required, for refusal to renew lease, or for ending a periodic tenancy.
- Specifies list of reasons that constitute just cause.
- Notice requirements changed.
- Penalties for wrongful eviction by landlords imposed.

Nyman v. Hanley, Washington Supreme Court Case No. 99249-5, had oral argument scheduled on May 13, 2021. That case addresses whether the federal eviction moratorium applies in Washington, and if it applies to a tenant who stays after their lease expires.

Learn more:

You can read these bills and search for others here: <https://app.leg.wa.gov/billinfo/>. Put the bill number into the search box and you can read the available documents. These includes either the bill as it passed the legislature or the session law (either of these provide the text of the bill), and you can read the Final Bill Report which is a summary of the bill. You can also search for bills by subject and look for additional legislation.

The Washington Landlord Association has helpful information for landlords on their website, including COVID-19 updates and legislative updates.

<https://www.walandlord.org/>

There may be other bills, cases, ordinances, etc., which impact eviction. This summary is not intended to be complete, but just to illustrate the situation.